

REMARKS

Claims 1-12 are pending in this application. Claims 1-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,125,080 (Sonnenschein et al.) in view of U.S. Patent No. 5,929,777 (Reynolds).

It is gratefully acknowledged that the Examiner has withdrawn the finality of the previous Office Action.

Claims 1 and 7 are the independent claims pending in this application.

Sonnenschein et al. discloses a method for addressing issues associated with attenuation of electromagnetic waves in water, to allow divers to communicate underwater even when out of a "line of sight" (Column. 2, Lines 10-14). The underwater communication network system taught by Sonnenschein et al. includes a base station that is provided "with means for receiving a message from an underwater personal device or relay apparatus, and for transmitting the same to an out of water device." (Column 4, Lines 46-49)

The Examiner admits that Sonnenschein et al. fails to teach that "the MTT transfers to the SOS service mode when the user requests emergency assistance and when the MTT cannot" communicate "via the base station" (Office Action, Page 3, Paragraph 2). Reynolds was cited as allegedly curing this defect.

Reynolds discloses a radio activated personal infrared distress beacon which upon activation, emits "a coded-pulsed collimated infrared red beam that can be detected, recognized and translated visually by a wearer of IR goggles or binoculars or electronically with a decoding device." (Column 2, Lines 58-61) "The locating device is thus used by the searcher/rescuer to determine the location of the emergency beacon through detection and decoding of the beacon's infrared pulses." (Column 6, Lines 49-52) The infrared distress beacon of the PMRESA (Personal Message Receiving and Emergency Signaling Apparatus) can be activated by either a central base control (CBC) or a user. While Reynolds does disclose that the PMRESA can communicate with the CBC and can send an acknowledgement of the receipt back to the CBC,

nowhere in the sections cited by the Examiner or elsewhere does Reynolds teach or suggest that a transfer to an SOS mode is made when the PMRESA cannot communicate via the CBC.

In contrast, the invention as recited in Claims 1 and 7, specifically provides that the mobile telecommunication terminal (MTT) transfers to the SOS service mode when the user requests emergency assistance and when the MTT cannot communicate via the base station, which the combination of Sonnenschein et al. and Reynolds fails to disclose or suggest.

Accordingly, it is believed that Claims 1 and 7 are in condition for allowance. Without conceding the patentability per se of the dependent claims, Claims 2-6 and 8-12 are believed to be in condition for allowance for at least the above reasons. Reconsideration and withdrawal of the rejections of dependent Claims 2-6 and 8-12 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-12, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/VAG/al